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LAWRENCE P. EAGEL

November 4, 2013

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By ECF

Honorable Lorna G. Schofield, U.S.D.J.
United States District Court
500 Pearl Street
New York, NY 10007

*Re: Sachin Shah v. Justin Lumiere, et al.,
Case No.13 Civ. 02975 (LGS)*

Dear Judge Schofield:

We represent defendant Lester L. Levy in connection with the above-referenced matter. I write on behalf of Mr. Levy, Plaintiff, and Justin S. Lumiere to request that Your Honor refer this case to the SDNY Mediation Program; and, on behalf of all parties, to request a 60 day extension for the parties to complete fact discovery.

The parties have conferred and believe that mediation may open a dialogue concerning resolution that has so far been absent. Mediation poses no risk of prejudice to the parties, but may conserve a great deal of the Court's and parties' resources if successful. On the other hand, if the mediation fails to result in a settlement, the work put toward the mediation can be used as the parties prepare their cases going forward. Thus, the possible benefit of mediation is great, while the downside is minimal.

In addition, all parties request a 60 day extension of the current November 22nd cutoff to complete fact discovery. First, the parties would like to devote resources to mediation so their settlement efforts are productive. Second, in all events, additional time is needed to complete discovery in light of the fact that: (a) Plaintiff retained new counsel after the discovery cutoff was set, (b) although document requests and interrogatories have been served, neither side has responded or produced documents in response to those requests, (c) third-party subpoenas have been served, but depositions of those non-parties have not yet begun, (d) defendant Stefan Lorca de St. Pierre Lumiere was not served with process in this action until October 21st and he has not yet formally appeared, and (e) Mr. Levy's motion to dismiss is *sub judice*. Under the circumstances, there is good cause to extend the discovery deadline.

BRAGAR EAGEL & SQUIRE, P.C.

Honorable Lorna G. Schofield

November 4, 2013

Page 2

If Your Honor requires any additional information please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence P. Eagel". The signature is fluid and cursive, with the first name "Lawrence" being more prominent and the last name "Eagel" following in a similar style.

Lawrence P. Eagel

cc: (by ECF)

Philip A. Byler, Esq., Counsel for Plaintiff

Steven Mellen, Esq., Counsel for Justin S. Lumiere

Robert Knuts, Esq., Counsel for Stefan Lorca de St. Pierre Lumiere